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SUBJECT: BOSNIA CAMPAIGN 2006: THE DAY AFTER

REF: A. SARAJEVO 1891

[1](#)B. SARAJEVO 1916

[1](#)C. SARAJEVO 2281

SARAJEVO 00002305 001.2 OF 002

[1](#)1. (U) This is the fourth in a planned series of election-related cables. It provides information on the procedure and timeline for formation of governing coalitions in Bosnia and Herzegovina.

[1](#)2. (SBU) SUMMARY: Citizens of Bosnia and Herzegovina will go to the polls October 1 to elect the three members of Bosnia and Herzegovina's (BiH) State-level Tri-Presidency; President and Vice President of the Republika Srpska (RS); and members of the state, entity and cantonal legislatures. (ref. A) According to Bosnian election law, the Central Election Commission (CEC) must certify poll results within 30 days of the election. In the case of elections this year, no later than October 31. The newly-elected legislatures at the state, entity and cantonal levels, and directly elected executives, must take office within 30 days of the certification, i.e., by November 30. The timeline could be shortened if, as in previous years, the CEC certifies the election results early. After the new legislatures convene, governing coalitions are formed and governments at the state, entity and cantonal levels choose their ministers. Formation of governing coalitions may take several weeks to several months. We expect the new state government to be fully in place by mid-January 2007. END SUMMARY.

Forming the Governing Coalitions  
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[1](#)3. (U) Following the October 1 elections, the Central Election Commission (CEC) will have a maximum of 30 days to certify the election results for the Presidency, the State House of Representatives, entity parliaments and cantonal assemblies. (Note: Cantonal assemblies exist only in the Federation. End Note.) The newly elected state, entity and cantonal Houses of Representatives must convene within 30 days of the announcement of the official election results, this year no later than November 30. The State Tri-Presidency, and the President and Vice President of the Republika Srpska (RS), also take office 30 days following the certification.

[1](#)4. (U) The CEC will hold press conferences at midnight on

October 1, and at noon on Monday, October 2, during which it will announce preliminary, unofficial results. In past elections, unofficial election results announced the day after the election (as opposed to the preliminary results announced on election night) generally have been accurate. CEC officials have told us the Commission is confident it will be able to announce the official results well in advance of the thirty-day deadline. In 2002, it announced the results less than three weeks after the election.

#### Choosing the State, Entity and Cantonal Prime Ministers

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¶5. (U) At the state level, once the parties agree on a governing coalition, the new coalition prepares a joint platform and begins discussions on nominees for the office of Prime Minister. The Chairman of the Tri-Presidency formally nominates the Prime Minister-designate, and forwards the nomination to the House of Representatives for approval. If the House of Representatives does not approve the nomination by a simple majority (including a qualified majority representing at least one third of the delegates from both entities), the President must nominate another candidate. The President has three opportunities to nominate a Prime Minister. If the House of Representatives votes down all three candidates, new elections must be called.

¶6. (U) The process is the same in the RS, where the President is directly elected. In the Federation, the Federation House of Representatives chooses the Federation President and Vice President by confirming the individuals selected by the newly-formed governing coalition. The Federation President then chooses the Federation Prime Minister, who also is confirmed by the Federation House of Representatives. Cantonal assemblies follow similar procedures.

SARAJEVO 00002305 002.2 OF 002

#### Selecting the Council of Ministers

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¶7. (U) Following the confirmation of the Prime Minister-designate by the State House of Representatives, the new Prime Minister, also known as the President of the Council of Ministers (CoM), chooses a new government. In the past, governing coalitions generally have agreed in advance on the distribution of ministries among their parties, allowing this process to proceed quickly. The Prime Minister often announces his ministers within seven days of his confirmation. The process in the entities is the same for entity-level ministries.

#### Choosing Delegates for the House of Peoples

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¶8. (U) At the state level, delegates for the State House of Peoples (the upper house of parliament, made up of 15 members, five from each of the three constitutionally-recognized peoples) are chosen in the following manner: The Republika Srpska National Assembly (RSNA) (the House of Representatives equivalent in the RS) chooses the five Serb delegates to the State House of Peoples by a simple majority vote. Individual RSNA representatives nominate candidates. In the Federation, cantonal assemblies choose delegates to the Federation House of Peoples, which in turn chooses the Bosniak and Croat delegates to the State House of Peoples. The two-step procedure in the Federation has the potential to cause some delays in the process for choosing State House of Peoples delegates, especially if governing coalitions are different at the cantonal and entity levels.

#### Timeline for Government Formation

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¶9. (U) After the legislatures at the state, entity and cantonal levels convene, they will begin work on forming government coalitions at all levels. In past elections, this process has begun much sooner, with party leaders discussing post-election coalitions well in advance of the elections. Generally speaking, the government formation process can last from several weeks to several months, depending on the nature of coalition deliberations. Coalition agreements at the state level often are linked directly with agreements at the entity and cantonal levels. There is no statutory time limit on the formation of governing coalitions at any level of government. During the period between the elections and the establishment of the new CoM, the incumbent CoM continues to perform the day-to-day activities of government via a technical mandate. Parliament is dissolved after national elections and, as a result, there are no "lame duck" parliamentary sessions.

Comment

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¶10. (SBU) If, as expected, new election rules requiring that parties cross a three percent threshold to enter parliament limit the number of small party representatives elected to all legislatures, government formation could be streamlined. Under this scenario, a state government could be formed as early as mid-December. A more conservative timeline would place a new government in office soon after the new year and Serb Orthodox January holidays. Possible complicating factors may include the election of a Tri-Presidency member from a party outside the governing coalition that wins few legislative seats and refuses to nominate the coalition's first choice for Prime Minister. Differing coalitions at the state and lower levels of government could also extend the negotiating process. End Comment.  
MCELHANEY